

TROY LAW, PLLC

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May 25, 2021

Via ECF

Hon. Loretta A. Preska, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Motion for Extension of Time to Move for Substitution of Guangli Zhang
Weng v. Kung Fu Little Steamed Buns Ramen, Inc., No. 17-cv-00273 (LAP),
(S.D.N.Y.)

Your Honor,

I represent the Plaintiffs in the above-referenced matter. I write respectfully to request an extension of 45 days to move for the substitution of Plaintiff Guangli Zhang due to the continued pendency in the Queens County Surrogate's Court of a petition for administration of his estate. This would extend Plaintiffs' time to move from May 25, 2021 to July 9, 2021.

A suggestion of Guangli Zhang's death was filed on February 24, 2021. Accordingly, the time for any party to move for substitution of for Guangli Zhang is May 25, 2021, 90 days later. *See Fed. R. Civ. P. 25(a)(1)*.

We petitioned the Queens County Surrogate's Court for his son and distributee, Wen Zhang, for letters of administration. However, as of this writing, the review and processing of Wen Zhang's petition has not been completed. Prior to about May 24, 2021, the Surrogate's Court was operating on a reduced staffing level due to the pandemic, but has since moved to a more normal staffing level. *See attached* NYSBA COVID-19 update ("With normal staffing levels, [Chief Judge Janet] DiFiore said the courts will be able to conduct an increased number of in-court proceedings.").

On May 6, 2021, we received notice from the Surrogate's Court that Wen Zhang's petition was in the NYSCEF system awaiting assignment and review, and that the Surrogate's Court would require six to eight weeks for processing and review. Counting from May 6, 2021, the review should be complete between June 17 and July 1, 2021—42 to 56 days later. It is out of an abundance of caution that we request a 45-day extension of the deadline to move for substitution, to July 9, 2021. *See Hybrid Capital Group, LLC v. Padell*, 17-cv-06343 (KPF), Dkt. No. 68 (S.D.N.Y. Nov. 16, 2018) (granting 45-day extension when petition for appointment of executor was still pending when motion for substitution under Rule 25 was due).

It is our belief that ultimately, the Surrogate's Court will appoint Wen Zhang the administrator of Guangli Zhang's estate. However, should it not appear likely that it will do so, we may move the Surrogate's Court on an emergency basis to appoint the public administrator a

Hon. Loretta A. Preska, U.S.D.J.

May 25, 2021

Weng v. Kung Fu Little Steamed Buns Ramen, Inc., No. 17-cv-00273 (LAP), (S.D.N.Y.)

Page 2 of 2

temporary administrator for the limited purpose of substituting for Cho Kam Sze. *See Hybrid Capital Group*, 17-cv-06343 (KPF), Dkt. Nos. 71, 71-1 (S.D.N.Y. Feb. 18, 2019).

I thank the Court for its attention to and consideration of this matter.

Respectfully submitted,
TROY LAW, PLLC

/s/ John Troy

John Troy

Attorney for Plaintiffs

cc: via ECF

all counsel of record

Defense counsel shall inform the Court no later than June 2, 2021 if Defendants oppose Plaintiff's motion for an extension of time to move for substitution of plaintiff Guangli Zhang.

SO ORDERED.

Dated: May 26, 2021
New York, New York



LORETTA A. PRESKA, U.S.D.J.